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CREATION OF THE SELECT INTELLIGENCE OVERSIGHT PANEL

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The 9/11 Commission recognized two problems that in their words rendered congressional oversight of intelligence “dysfunctional”.

The first was that the intelligence authorizing committee was routinely ignored by the administration and the intelligence community because they didn't provide the money. In this town, people follow the money.

Secondly, the Appropriations Committee, frankly, was negligent in its responsibilities for oversight. Example: When Secretary of Defense Rumsfeld established an independent intelligence operation outside of the purview of his own agency's intelligence shop, I tried to find out what was going on. I requested that the Appropriations Committee do a thorough Surveys And Investigations study of what was going on. My efforts were blocked by that same committee.

The third problem we faced is that there was grossly insufficient staff on the part of the Appropriations Committee to have decent congressional oversight. Example: The Democratic minority had exactly one staffer to deal not only with all intelligence issues but also with the entire defense budget. How much do you think you can get done with one person?

The other problem was that there was not sufficient emphasis on intelligence matters by the Defense Appropriations Subcommittee because they had a lot of other things to do dealing with “little” problems like the Army, the Navy, and the Air Force.

So the 9/11 Commission suggested one way to correct that problem. They suggested that we merge the authorizers with the appropriators, and have the authorizing committee, in fact, do the appropriating.

We concluded that there was a better way to accomplish the same goal.

We felt that the problem with the initial recommendation was that it doesn’t make much sense to consider intelligence funding requests standing alone, because in the real world those requests have to compete with other national security imperatives, again, funding the Army, the Air Force, and the other agencies.

Instead, we chose to follow a different model, that of the Joint Committee on Taxation.

That committee conducts an annual review of the strategic plans and the budget of the IRS.

This bill follows, with some variation, that pattern. It creates a hybrid committee composed of members from the Intelligence Committee and the Appropriations Committee. They are all appointed by the Speaker because, in technical terms, whenever task forces are created around here, it is the Speaker who does the appointing.

Speaker *Pelosi* has already made crystal clear that she intends to appoint whatever

Republicans are suggested by the minority leader.

But there was another reason that the Speaker is listed as appointing all of these people, because we want to make clear to the intelligence community that if they try to ignore what this task force is trying to do, that they are not just messing around with individual Members of Congress; they are messing around with the leader of an independent branch of government who has the authority to inflict consequences if they don't provide information the Congress is entitled to have.

This task force will be given the obligation to prepare an annual assessment of all intelligence activities and to make budget recommendations, which will serve as the basis for the preparation of the intelligence budget, the classified annex to the defense appropriation bill.

The reason the subcommittee needs to have at least the ability in theory to change some of those recommendations is because it has a job which that panel doesn't have. It has the job of measuring the needs of intelligence against other national security needs, and it needs to have that flexibility.

But this bill would also lead to a beefed-up staff for this task force, and that task force will be buttressed by the subpoena power of the Appropriations Committee.

That means that at long last we will have at least one panel which the intelligence community cannot ignore. We will have one panel which even the Republican members of the commission, like John Lehman, have indicated is a great step forward.

I urge support for this proposal.

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